

# Brobeck

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DECEMBER 18, 2001

## UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket Number: 031676.0322

First Named Inventor: Roger S. CUBICCIOTTI

Title: MODIFIED PHYCOBILISOMES AND USES THEREFORE

TO: BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Attached are the following for filing with the U.S. Patent and Trademark Office:

1. ☐ Fee Transmittal Form (original and duplicate)
2. ☒ Specification - Total Pages: 77 (Including Abstract)

| CLAIMS AS FILED                                 |              |                  |       |              |              |             |
|---|--------------|------------------|-------|--------------|--------------|-------------|
|   | Claims Filed | Basic Fee Claims | Extra | Rate         |              | Amount      |
|   |              |                  |       | Large Entity | Small Entity |             |
| Total Claims                                    | 18           | 20               | 0     | \$ 18.00     | \$ 9.00      | \$ 0.00     |
| Independent Claims                              | 9            | 3                | 4     | \$ 84.00     | \$ 42.00     | \$ 336.00   |
| First Presentation of Multiple Dependent Claims |              |                  |       | \$ 280.00    | \$ 140.00    | \$ 0.00     |
| BASIC FEE                                       |              |                  |       | \$ 740.00    | \$ 370.00    | \$ 740.00   |
| TOTAL FILING FEE                                |              |                  |       |              |              | \$ 1,076.00 |

3. ☐ Drawings - Total Sheets: \_\_\_\_\_ (Fig(s). \_\_\_\_\_)
4. Oath or Declaration - Total Pages: 2
  - a. ☐ Newly executed (original or copy)
  - ☐ New (unexecuted)
  - b. ☒ Copy from a prior application  
(for continuation/divisional with Box 17 completed)

The PTO did not receive the following  
listed item(s) Return postcard

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- i. ☐ **DELETION OF INVENTOR(s):**  
Signed statement attached deleting inventor(s) named in prior application.
5. ☒ **Incorporation By Reference (useable if Box 4b is marked)**  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ **Microfiche Computer Program (Appendix)**
7. ☐ **Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)**
- a. ☐ **Computer Readable Copy**
- b. ☐ **Paper Copy (identical to computer copy)**
- c. ☐ **Statement verifying identity of above copies**
8. ☐ **Assignment and Assignment Recordation Form**
9. ☐ **37 C.F.R. 3.73(b) Statement** ☐ **Power of Attorney**
10. ☐ **English Translation Document (if applicable)**
11. ☐ **Information Disclosure Statement with PTO-1449 and References**
- ☐ **Copies of Information Disclosure Statement Citations**
12. ☒ **Preliminary Amendment**
13. ☒ **Return Receipt Postcard**
14. ☐ **Small Entity Status Claimed:** ☐ **Independent Inventor**  
☐ **Small Business Concern**  
☐ **Non-Profit Organization**
- ☐ **Statement Enclosed**
- ☐ **Statement Filed in Prior Application; Status Still Proper and Desired**
15. ☐ **Foreign Priority is Claimed as Follows:**
- 
- 
- ☐ **If Foreign Priority is Claimed, Certified Copy of the Above Priority Document(s) is Submitted Herewith**

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16. ☐ Other: \_\_\_\_\_

17. ☐ Continuation ☒ Divisional ☐ Continuation-in-Part of  
Prior Application No.: 08/928,507 filed September 12, 1997; which is a  
Continuation-in-Part of Application No. 08/600,359 filed February 13, 1996;  
which is a Continuation-in-Part of Application No. 08/420,726 filed April 10,  
1995 (now U.S. Patent No. 5,695,990).

☐ Complete Application Based on Provisional Application No.: \_\_\_\_\_  
filed \_\_\_\_\_

18. ☒ A new power of attorney or authorization of agent (PTO/SB/81) is as follows:

☒ The power of attorney is to: Rodger L. Tate, Reg. No. 27,399; Jerry W. Mills,  
Reg. No. 23,005; James Remenick, Reg. No. 36,902; James B. Arpin, Reg. No.  
33,470; Christopher C. Campbell, Reg. No. 37,291; Jay B. Johnson, Reg. No.  
38,193; Laurence H. Posorske, Reg. No. 34,698; Stacy B. Margolies, Reg. No.  
39,760; Steven P. Klocinski, Reg. No. 39,251; Eric Sinn, Reg. No. 40,177 and  
Floyd B. Chapman, Reg. No. 40,555.

☒ Please remove as power of attorney: James Remenick, Reg. No. 36,902; Jerry W.  
Mills, Reg. No. 23,005; James B. Arpin, Reg. No. 33,470; Christopher C.  
Campbell, Reg. No. 37,291; Jay B. Johnson, Reg. No. 38,193; Stacy B.  
Margolies, Reg. No. 39,760; Steven P. Klocinski, Reg. No. 39,251; Eric Sinn,  
Reg. No. 40,177 and Floyd B. Chapman, Reg. No. 40,555.

☐ Please add as power of attorney: Anthony W. Shaw, Reg. No. 30,104; Cono A.  
Carrano, Reg. No. 39,623; Robert A. King, Reg. No. 42,738; Craig L. Puckett,  
Reg. No. 43,023; and Trevor Q. Coddington, Reg. No. 46,633.

19. Please address all correspondence to:

☒ CUSTOMER NUMBER 26118

☐ Intellectual Property Department  
Brobeck, Phleger & Harrison LLP  
1333 H Street, N.W.  
Suite 800  
Washington, DC 20005

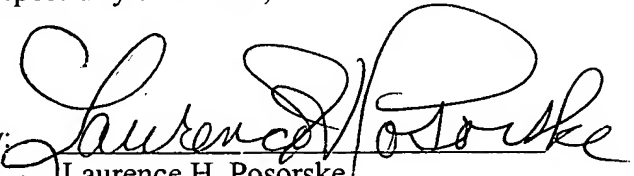
**BOX PATENT APPLICATION**

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20. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any such variance to **Deposit Account No. 50-1640**.
- ☒ The Commissioner is hereby authorized to charge any variance between the amount enclosed and the Patent Office charges to **Deposit Account No. 50-1640**.

Respectfully submitted,

By:   
Laurence H. Posorske  
Registration No. 34,698

LHP:nej  
Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Roger S. CUBICCIOTTI ) Group Art Unit: To Be Assigned  
)  
Application Number: To Be Assigned ) Examiner: To Be Assigned  
)  
Filed: December 18, 2001 )  
)  
For: MODIFIED PHYCOBILISOMES AND USES THEREFORE

**RESUBMISSION OF UTILITY APPLICATION  
AND REQUEST FOR FILING DATE**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

A review of the USPTO PAIR system indicates that the Patent and Trademark Office does not show a record of an Application which was filed on December 18, 2001, as a Division of Application No. 08/928,507, filed September 12, 1977.

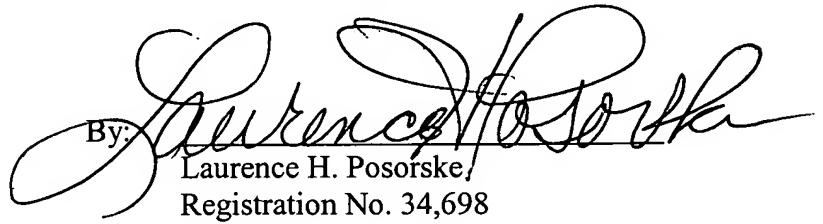
Applicant submits herewith a copy of the new Utility Application Transmittal Letter and Utility Application including seventy-seven (77) pages of specification, including claims and Abstract, that was filed on December 18, 2001; along with a copy of the executed Declaration filed in parent Application No. 08/928,507; a Preliminary Amendment; and authorization to charge \$1,076.00 to Deposit Account No. 50-1640. Applicant respectfully requests that this application be granted a filing date of December 18, 2001, the date on which this application was originally filed, as evidenced by a copy of our post card receipt date-stamped by the USPTO mailroom, enclosed herewith.

No fee is believed due as a result of this resubmission. However, if a fee is due,  
please charge the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

March 29, 2002

By:   
Laurence H. Posorske,  
Registration No. 34,698

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